

FILED

Department of Professional Regulation

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPUTY CLERK

CLERK Ronda S. Egan
DATE 2-9-93

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

v.

DPR CASE NUMBER: 91-04243
LICENSE NUMBER: ME 0017474

PHILIP K. SPRINGER, M.D.,

Respondent.

FINAL ORDER

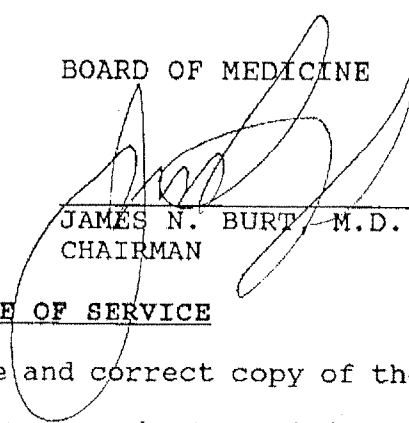
THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on February 5, 1993, in Jacksonville, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Consent Agreement.

This Final Order takes effect upon filing with the Clerk of the Department.

DONE AND ORDERED this 5 day February, 1993.

BOARD OF MEDICINE



JAMES N. BURT, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified U.S. Mail to Philip K. Springer, M.D., 3700 N.W. 91st Street #C-100, Gainesville, Florida 32606-7307, John D.C. Newton, Esquire, Suite 1000, 101 North Monroe Street, Tallahassee, Florida 32302 and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this 9th day of February, 1993.



DOROTHY J. FAIRCLOTH
Executive Director

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to John D.C. Newton, Esq., 101 N. Monroe St., Ste 100, Tallahassee, Fl 32301 at or before 5:00 p.m., this 26th day of April, 1993.


DOROTHY J. FAIRCLOTH

RECEIVED

DEC 4 1992

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

D.P.R. MEDICAL/NATUROPATH

Petitioner,

v.

DOAH CASE NO. 91-7876
DPR CASE NO. 91-04243

PHILIP SPRINGER, M.D.

Respondent.

_____ /

CONSENT AGREEMENT

Philip Springer, M.D., referred to as the "Respondent", and the Department of Professional Regulation, referred to as "Department", stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board", incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 0017474.

2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. FINE. The Board shall impose an administrative fine in the amount of five thousand dollars (\$5,000.00) against the Respondent. The fine shall be paid by the Respondent to the Executive Director of the Board within one year of its imposition by Final Order of the Board.

3. REPRIMAND. The Respondent shall receive a reprimand from the Board of Medicine.

4. SUSPENSION. Effective thirty (30) days from the date of filing of the Final Order incorporating the terms of this Consent Agreement, Respondent's license to practice medicine shall be suspended for a period of six (6) months.

5. PROBATION. Effective on the date of the filing of the Final Order incorporating the terms of this Agreement, Respondent's license to practice medicine shall be placed on probation for a period of three (3) years. The purpose of probation is not to prevent the Respondent from practicing medicine. Rather, probation is a supervised educational experience designed by the Board to make the Respondent aware of certain obligations to his patients and the profession and to insure Respondent's continued compliance with the high standards of the profession through interaction with another physician in the appropriate field of expertise. To this end, during the period of probation, Respondent shall comply with the following obligations and requirements:

A. RESTRICTIONS DURING PROBATION. During the period of probation, Respondent's license shall be restricted as follows:

i. INDIRECT SUPERVISION. Respondent shall practice only under the indirect supervision of a Board-approved physician, hereinafter referred to as the "monitor". In this regard, Respondent shall allow the monitor access to Respondent's medical records, calendar, patient logs or other documents necessary for the monitor to supervise Respondent as detailed below.

ii. Respondent may prescribe controlled substances only in compliance with the restrictions set forth below:

a. Respondent shall utilize sequentially numbered triplicate prescriptions.

b. Respondent shall immediately provide one copy of each prescription to the monitor.

c. Respondent shall provide one copy of each prescription to the Department's investigator within one month after issuing said prescription.

iii. Respondent shall not examine or treat any female patients without a health care practitioner licensed by the Department of Professional Regulation present in the room.

B. OBLIGATIONS/REQUIREMENTS OF PROBATION. During the period of probation, Respondent shall comply with the following obligations and requirements:

i. Respondent shall appear before the Probation Committee of the Board of Medicine at the first Committee meeting after probation commences; at the last meeting of the Committee preceding scheduled termination of the probation; semiannually; and at such other times as requested by the Committee. Respondent shall be noticed by the Board staff of the date, time and place of the Committee meeting whereat Respondent's appearance is required. Failure of Respondent to appear as requested or directed shall be considered a violation of the terms of this Agreement, and shall subject the Respondent to disciplinary action.

ii. Respondent shall participate in the Florida Physician's Recovery Network (hereinafter "PRN"). Respondent shall comply with all of the conditions of his contract with the PRN. Respondent shall execute a release for the PRN to authorize the PRN to release information and medical records (including psychiatric

records) to the Board as needed to monitor the progress of Respondent in the PRN program. Respondent shall cause the director of the PRN to report to the Board any problems that may occur with Respondent and any violations of Chapter 458, Florida Statutes.

iii. Respondent shall continue to receive mental health counseling with a mental health care professional approved by the Board or the Board Probationer's Committee, until the Respondent and said mental health care professional appear before the Board and demonstrate to the Board's satisfaction that mental health counseling is no longer necessary. The Respondent shall be responsible for having said mental health care professional appear before the Board of Medicine prior to ceasing treatment.

iv. Respondent shall complete the course, "Protecting Your Medical Practice, Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs", sponsored by the Florida Medical Association and the University of South Florida, or a Board-approved equivalent, during the first year of probation.

v. Respondent shall be responsible for ensuring that the monitor submits all required reports.

C. RESPONSIBILITIES OF THE MONITORING PHYSICIAN.

The Monitor shall:

i. Review 25% (twenty-five percent) of Respondent's active patient records at least once a month, for the purpose of ascertaining the appropriateness and adequacy of diagnosis and treatment. The monitor shall go to Respondent's office once every month and shall review Respondent's calendar or patient log and

shall select the records to be reviewed.

ii. Submit reports on a quarterly basis, in affidavit form, which shall include:

a) A brief statement of why Respondent is on probation.

b) A description of Respondent's practice (type and composition).

c) A statement addressing Respondent's compliance with the terms of probation.

d) A brief description of the monitor's relationship with the Respondent.

e) A statement advising the Board of any problems which have arisen.

f) A summary of the dates the monitor went to Respondent's office, the number of records reviewed, and the overall quality of the records reviewed.

iii. Maintain contact with the Respondent on a frequency of at least once per week. In the event that the monitor is not timely contacted by Respondent, then the monitor shall immediately report this fact to the Board, in writing.

iv. Respondent's monitor shall appear before the Probation Committee at the first meeting of said committee following commencement of the probation, and at such other times as directed by the Committee. It shall be Respondent's responsibility to ensure the appearance of his monitor to appear as requested or directed. If the approved monitor fails to appear as requested or

directed by the Probation Committee, the Respondent shall immediately cease practicing medicine until such time as the approved monitor or alternate monitor appears before the Probation Committee.

D. REPORTS FROM RESPONDENT. The Respondent shall submit quarterly reports, in affidavit form, the contents of which may be further specified by the Board, but which shall include:

i. A brief statement of why Respondent is on probation.

ii. A description of practice location.

iii. A description of current practice (type and composition).

iv. A brief statement of compliance with probationary terms.

v. A description of the relationship with monitoring physician.

vi. A statement advising the Board of any problems which have arisen.

vii. A statement addressing compliance with any restrictions or requirements imposed.

E. STANDARD PROVISIONS. Respondent's probation shall be governed by the attached "provisions regarding monitoring/supervising physicians", Exhibit B, which is incorporated as if fully set forth herein.

6. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard,

the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

7. Respondent shall appear before the Board at the meeting of the Board where this Agreement is considered. Respondent, in conjunction with the consideration of this Agreement by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

8. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes.

9. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

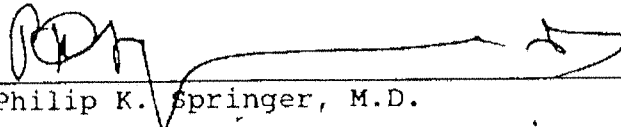
10. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

11. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and

costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

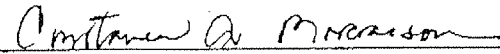
12. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

SIGNED this 3rd day of Dec, 1992.


Philip K. Springer, M.D.

Before me, personally appeared Philip K. Springer, whose identity is known to me by PERSONALLY KNOWN TO ME (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 3rd day of Dec, 1992.


NOTARY PUBLIC

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Sept. 4, 1994
Excluded Third Party Fails - Insurance Inc.

APPROVED this 9 day of December, 1992.

George Stuart
Secretary



By: Larry G. McPherson, Jr.
Chief Attorney
Medical Section

PROVISIONS REGARDING MONITORING/SUPERVISING PHYSICIANS

Provisions governing physicians ordered to work under supervision of monitoring or supervising physician.

I. DEFINITIONS:

A. INDIRECT SUPERVISION is supervision by a monitoring physician (monitor) whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as the Respondent, however, the monitor shall practice within a reasonable geographic proximity to Respondent, which shall be within 20 miles unless otherwise provided by the Board and shall be readily available for consultation. The monitor shall be Board-certified in the Respondent's specialty area, unless otherwise provided by the Board.

B. DIRECT SUPERVISION is supervision by a supervising physician (supervisor) whose responsibilities are set by the Board. Direct supervision requires that the supervisor and Respondent work in the same office. The supervising physician shall be Board-certified in the Respondent's specialty area, unless otherwise provided by the Board.

C. PROBATION COMMITTEE or "committee" are members of the Board of Medicine designated by the Chairman of the Board to serve as the Probation Committee.

II. STANDARD TERMS.

A. REQUIRED SUPERVISION.

1. The Respondent shall not practice medicine

without an approved monitor/supervisor, as specified by the Consent Agreement, unless otherwise ordered by the Board.

2. The monitor/supervisor must be a licensee under Chapter 458, Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board or Committee may reject any proposed monitor/supervisor on the basis that he has previously been subject to any disciplinary action against his medical license in this or any other jurisdiction, is currently under investigation, or is the subject of a pending disciplinary action. The monitor/supervisor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board or Committee. The Board or Committee may also reject any proposed monitor/supervisor for good cause shown.

B. MECHANISM FOR APPROVAL OF MONITOR/SUPERVISOR:

1. TEMPORARY APPROVAL. The Board confers authority on the Chairman of the Board's Probation Committee to temporarily approve Respondent's monitor/supervisor. To obtain this temporary approval, Respondent shall submit to the Chairman of the Probation Committee the name and curriculum vitae of the proposed monitor/supervisor at the time this agreement is considered by the Board. Once a Final Order adopting this Agreement is filed, Respondent shall not practice medicine without an approved monitor/supervisor. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.

2. FORMAL APPROVAL.

a. Respondent shall have the monitor/supervisor with him at his first probation appearance before the Probation Committee. Prior to consideration of the monitor/supervisor by the Committee, the Respondent shall provide to the monitor/supervisor a copy of the Administrative Complaint and Final Order in this case. Respondent shall submit a current curriculum vitae and a description of current practice from the proposed monitor/supervisor to the Board office no later than fourteen days before the Respondent's first scheduled probation appearance.

b. Respondent's monitor/supervisor shall also appear before the Probation Committee at such other times as directed by the Committee. It shall be Respondent's responsibility to ensure the appearance of his monitor/supervisor as directed. If the approved monitor fails to appear as requested or directed by the Probation Committee, the Respondent shall immediately cease practicing medicine until such time as the approved monitor or alternate monitor appears before the Probation Committee.

3. CHANGE IN MONITOR/SUPERVISOR. In the event that Respondent's monitor/supervisor is unable or unwilling to fulfill his responsibilities as a monitor/supervisor as described above, then the Respondent shall immediately advise the Board of this fact. Respondent shall immediately submit to the Chairman of the Board's Probation Committee, the name of a temporary monitor/supervisor for consideration. Respondent shall

not practice pending approval of this temporary monitor/supervisor by the Chairman of the Probation Committee. Furthermore, Respondent shall make arrangements with his temporary monitor/supervisor to appear before the Probation Committee at its next regularly scheduled meeting, for consideration of the monitor/supervisor by the Committee. Respondent shall only practice under the auspices of the temporary monitor/supervisor (approved by the Chairman) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new monitor/supervisor shall be addressed.

C. CONTINUITY OF PRACTICE

1. TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's probation (and only those provisions of the probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida.

a. The time period of probation shall be tolled.

b. The provisions regarding supervision whether direct or indirect by another physician, and required reports from the monitor/supervisor shall be tolled.

c. The provisions regarding preparation

of investigative reports detailing compliance with this Stipulation shall be tolled.

2. ADDRESSES. Respondent must keep current residence and business addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

3. ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Probation Committee may require Respondent to appear before the Probation Committee and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.

D. COSTS. Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the costs of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement, and the Board's administrative costs directly associated with Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all reports, correspondence and inquiries shall be sent to: Board of Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, Attn: Final Order Compliance Officer.

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 9104243

PHILIP K. SPRINGER, M.D.

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against PHILIP K. SPRINGER, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0017474. Respondent's last known address is 3700 North West 91st Street, #C-100, Gainesville, Florida, 32606-7307.

3. From on or about July 13, 1986 to March 2, 1990, Respondent treated Patient #1, a female born on or about January

28, 1944, for treatment of depression that Patient #1 incurred following an employment related accident.

4. On or about December 13, 1988, Respondent prescribed Patient #1 Prozac, twenty (20) mg., thirty (30) capsules.

5. Prozac is a legend drug as defined by Section 465.003(7), Florida Statutes.

6. On or about May 17, 1989, Respondent prescribed Patient #1 Tetracycline, two hundred fifty (250) mg., thirty (30) capsules.

7. On or about December 15, 1989, Respondent prescribed Patient #1 Tetracycline, two hundred fifty (250) mg., thirty (30) capsules.

8. Tetracycline is a legend drug as defined by Section 465.003(7), Florida Statutes.

9. On or about September 22, 1989, Respondent prescribed Patient #1 Synthroid, .1 mg., one hundred and twenty (120) tablets.

10. Synthroid is a legend drug as defined by Section 465.003(7), Florida Statutes.

11. On or about October 13, 1989, Respondent prescribed Patient #1 Valium, 5 mg., thirty six (36) tablets.

12. On or about December 15, 1989, Respondent prescribed Patient #1 Valium, 5 mg., fifty (50) tablets.

13. On or about January 23, 1990, Respondent prescribed Patient #1 Valium, 5 mg., sixty (60) tablets.

14. Valium is a legend drug as defined by Section 465.003(7), Florida Statutes, and contains diazepam, a Schedule IV controlled substance listed in Chapter 893, Florida Statutes.

15. On or about December 7, 1989, Respondent prescribed Patient #1 Lac Hydrin lotion, quantity 150.

16. Lac Hydrin is a legend drug as defined by Section 465.003(7), Florida Statutes.

17. On or about February 2, 1990, Respondent prescribed Patient #1 Eryc, 250 mg., 40 capsules.

18. Eryc is a legend drug as defined by Section 465.003(7), Florida Statutes.

19. On or about March 20, 1990, Respondent prescribed Patient #1 Keflex, 500 mg., 14 drops.

20. Keflex is a legend drug as defined by Section 465.003(7), Florida Statutes.

21. Respondent failed to conduct any physical examinations of Patient #1 to obtain diagnoses that would justify the prescriptions of the aforementioned medications.

22. Respondent failed to record any of the aforementioned prescriptions in his medical records for Patient #1.

23. On or about May 17, 1991, Patient #1 gave a notarized statement in which she summarized that she and Respondent engaged in sexual intercourse on at least one hundred and sixty-two (162) different occasions from on or about February 20, 1988 to May 18, 1990.

24. From on or about February 20, 1988 until on or about May 18, 1990, Respondent engaged in sexual intercourse with Patient #1 at least, but not limited to, one hundred and sixty-two times during the time that he was her treating physician.

25. Section 458.329, Florida Statutes, states that the physician-patient relationship is founded on mutual trust. Sexual misconduct in the practice of medicine means violation of the physician-patient relationship through which the physician uses said relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of the practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of medicine is prohibited.

COUNT ONE

26. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25), as if fully set forth herein this Count One.

27. Respondent is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in that Respondent failed to conduct any physical examinations of Patient #1 to obtain diagnoses that would justify the prescriptions of Prozac, Tetracycline, Synthroid, Valium, Lac Hydrin, Eryc or Keflex.

28. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by being guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a

reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

29. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (24), and twenty-seven (26), as if fully set forth herein this Count Two.

30. Respondent failed to keep written medical records justifying the course of treatment of Patient #1, in that Respondent failed to record the prescriptions of Prozac, Tetracycline, Synthroid, Valium, Lac Hydrin, Eryc, or Keflex, and failed to record the results of any physical examinations that would justify these prescriptions.

31. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, by failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

COUNT THREE

32. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25), twenty-seven (27), and thirty (30), as if fully set forth herein this Count Three.

33. Respondent is guilty of prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice, in that Respondent prescribed

Prozac, Tetracycline, Synthroid, Valium, Lac Hydrin, Eryc, and Keflex to Patient #1 without examining her and without maintaining medical records to justify this treatment.

34. Based on the foregoing, Respondent violated Section 458.331(1)(g), Florida Statutes, by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice.

COUNT FOUR

35. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25), twenty-seven (27), thirty (30), and thirty-three (33), as if fully set forth herein this Count Four.

36. Respondent violated a provision of Chapter 458, Florida Statutes when he engaged in sexual intercourse with Patient #1, contrary to Section 458.329, Florida Statutes.

37. Based on the foregoing, Respondent has violated Section 458.331(1)(x), Florida Statutes, by violating any provision of this Chapter, a rule of the board or department, or a lawful Order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

COUNT FIVE

38. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25), twenty-seven (27), thirty (30), thirty-three (33) and thirty-six (36), as if fully set forth herein this Count Five.

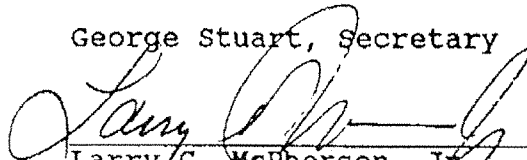
39. Respondent is guilty of exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity in that Respondent engaged in sexual activity with Patient #1 during the time he was her treating physician.

40. Based on the foregoing, Respondent violated Section 458.331(1)(j), Florida Statutes, by being guilty of exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his physician.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 21 day of OCTOBER, 1991.

George Stuart, Secretary



Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:
Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643
CJR/dpb/tc
PCP: October 12, 1991
Ashkar, Skinner

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK _____

DATE 10-22-91

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BEFORE THE BOARD OF MEDICINE

FILED

AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK

CLERK *Stephanie J. Davis*

DATE 9-9-96

AGENCY FOR HEALTH CARE
ADMINISTRATION,
PETITIONER

AHCA CASE NO.: 91-04243
LICENSE NO.: ME 0017474

v.

Philip K. Springer, M.D.,
RESPONDENT

ORDER OF TERMINATION

Upon review of the terms and conditions of the Final Order of the Board of Medicine rendered 2/9/93, the documentation offered on behalf of Respondent, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED:

that Respondent completed his/her period of probation on 9/7/96 and has complied with all terms of the Final Order rendered 2/9/93.

DONE AND ORDERED

this 9th day of September, 1996.

M. Kathryn Garrett M.D.
M. Kathryn Garrett, M.D., Chairperson
Board of Medicine